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Note verbale dated 6 May 2013 from the Permanent Mission of Morocco to the United Nations addressed to the Secretary-General

The Permanent Mission of the Kingdom of Morocco to the United Nations presents its compliments to the Office of the Secretary-General of the United Nations and has the honour to forward herewith the aide-memoire (in French and English) covering Morocco's contribution to and achievements and commitments for the promotion and protection of human rights, prepared in conformity with General Assembly resolution 60/251 (see annex).

* A/68/50.

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Annex to the note verbale dated 6 May 2013 from the Permanent Mission of Morocco to the United Nations addressed to the Secretary-General

Candidature of Morocco to the Human Rights Council, 2014-2016

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

[Original: English and French]

1. In line with its internal democratic choices and with its sustained and irreversible commitment to the promotion and protection of human rights throughout the world, the Kingdom of Morocco decided to present its candidature to the Human Rights Council for the period 2014-2016.

Morocco's contributions and commitments in the field of human rights

2. The present aide-memoire presents Morocco's contribution, achievements and commitments for the promotion and protection of human rights, in keeping with General Assembly resolution 60/251.

3. The Kingdom's commitments to human rights herewith presented are the logical international extension of the national momentum created for democracy, the rule of law and human rights. They establish Morocco's deep-rooted attachment to the universal values of gender equality, pluralism, moderation, tolerance, peaceful coexistence and dialogue between civilizations and cultures.

4. As a founding member of the Human Rights Council, the Kingdom has continuously worked to strengthen its spirit of cooperation and dialogue and avoid politicization. It is in this vein that Morocco is firmly committed to defending the equality, interdependence and indivisibility of human rights.

5. The new Constitution of Morocco, adopted by referendum last July, confirms this choice of a democratic and modern society that respects human rights. It consolidates the framework and conditions for deeper commitment to human rights and, first and foremost, constitutionally guarantees the irreversibility of the progress achieved and commitments made by the Kingdom at the international level.

6. The constitutionalization of the primacy of international law over national law, the recognition of and respect for local cultural diversity, the criminalization of torture and enforced disappearances, together with the decision by Morocco to further open itself up to all the special procedures of the Human Rights Council, are further measures taken to reinforce the Kingdom's voluntary and concrete commitment to promote and protect human rights.

7. The Kingdom of Morocco has turned the promotion and protection of human rights into a fundamental dimension of its diplomacy and relationship with all of its partners at the United Nations and with its Maghreb, Arab-Muslim, Euro-Mediterranean and African neighbours, as well as of South-South cooperation and other partnership initiatives.

Morocco's contribution to the promotion and protection of human rights

1. State of implementation of commitments

8. Morocco has fulfilled all the commitments made in the framework of its first candidature to the Council in 2006, in keeping with General Assembly resolution 60/251. These achievements were consolidated through the following structural reforms:

(a) The reform of the justice system to strengthen the means and guarantees to better protect citizens;

(b) The constitutionalization of all the recommendations of the Equity and Reconciliation Commission;

(c) The strengthening of the institutional human rights system and its constitutionalization, especially through the creation or consolidation of 12 entities, including:

(i) The National Human Rights Council;

(ii) The "Al-Wassit" (office of the ombudsman);

(iii) The Authority for Parity and the Fight against All Forms of Discrimination;

(iv) The National Authority for Probity and the Fight against Corruption.

2. The role of Morocco at the Human Rights Council

Contribution to the work of the Council

9. Although it has not been a member of the Human Rights Council since 2007, Morocco has initiated several concrete actions on various key aspects of the promotion of human rights, including:

(a) The resolution for the creation of a special procedure for the promotion of truth, justice, reparation and guarantees of non-recurrence, in cooperation with Argentina and Switzerland;

(b) The resolution on technical assistance to developing countries, jointly with a group of countries, including Thailand;

(c) The resolution on enforced or involuntary disappearances, with France and Argentina;

(d) The joint statement on the negative impact of corruption on the enjoyment of human rights;

(e) The organization of a panel on the negative impact of corruption on the enjoyment of human rights, held during the twenty-second session of the Human Rights Council, during which the experience of the Instance centrale de prévention de la corruption in fighting corruption was presented.

10. Morocco acted as a moderator throughout the negotiations for many thematic resolutions, in particular the one on combating intolerance, negative stereotyping,

stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief.

11. Morocco co-sponsored 197 resolutions adopted by the Council since its inception, that is to say two thirds of all resolutions, a genuine testimony to Morocco's permanent and active commitment to the promotion and protection of human rights in the world.

12. Morocco actively supported the creation by the Human Rights Council of several special procedures, including the Working Group on Discrimination against Women in Law and Practice, the Independent Expert in the field of cultural rights and the Special Rapporteurs on the human right to safe drinking water and sanitation and on the rights to freedom of peaceful assembly and of association.

The United Nations Declaration on Human Rights Education and Training

13. Together with Switzerland, in 2007 Morocco initiated a resolution in the Human Rights Council for the drafting of a United Nations Declaration on Human Rights Education and Training aimed at strengthening activities related to human rights education and training.

14. Adopted by consensus in 2011 by the General Assembly, the Declaration is the first international instrument initiated by the Human Rights Council and, as such, a reference document and a road map in this area for the years to come.

Commitment under the universal periodic review

15. Since the creation of the Human Rights Council, Morocco has greatly contributed to the implementation and consolidation of the universal periodic review mechanism. In this context, Morocco was appointed:

(a) Facilitator on the universal periodic review during the institutional building phase of the Council in 2006 and 2007;

(b) Facilitator on universal periodic review modalities in 2008;

(c) Facilitator for the universal periodic review in the framework of the five-year review of the Council, from November 2010 to March 2011;

(d) Facilitator on the follow-up to the universal periodic review adopted in June 2011.

16. Morocco has organized and facilitated training workshops, panel discussions and conferences on the universal periodic review, including two seminars in Rabat together with the Organisation internationale de la Francophonie and the Office of the United Nations High Commissioner for Human Rights, in 2008 and 2010 respectively.

17. Morocco organized, together with the United Kingdom of Great Britain and Northern Ireland, a debate on the universal periodic review, held in Geneva on 3 May 2013. The outcome of this seminar will be submitted in the form of a joint statement to the Human Rights Council at its twenty-third session, in June 2013.

18. In 2011, Morocco contributed $500,000 to the voluntary fund of the universal periodic review to provide financial and technical assistance to developing countries for the implementation of their commitments in the framework of the review.

19. During its own universal periodic review, in April 2008, Morocco accepted almost all the recommendations it received (11 of 13 or nearly 85 per cent) and rejected none.

20. Since 2008, Morocco has adopted a global approach to the follow-up to its review, going beyond the 11 recommendations accepted, by adopting the National Action Plan for Democracy and Human Rights. Morocco is therefore among the first countries in the world to have followed up on the recommendation of the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, to put in place such a plan of action. It is also the second Mediterranean country and the 27th country in the world to have implemented that recommendation.

3. Morocco and the General Assembly

The resolution on the ombudsman and the mediator

21. Morocco presented to the General Assembly a yearly resolution on the role of the ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights, the first of its kind in the United Nations.

Morocco as a facilitator on the Human Rights Council review process in New York

22. As co-facilitator with Liechtenstein, Morocco contributed to the New York chapter of the review of the Human Rights Council.

4. Regional cooperation in the field of human rights

23. Under the status of "partner for democracy" granted by the Parliamentary Assembly of the Council of Europe, the Kingdom has embarked in a process of gradual accession to the Council's relevant conventions on the protection of fundamental rights that are open to non-members of the Council of Europe.

24. Morocco's commitment to and action for human rights also involve its Arab and African neighbours through the initiation of and its active contribution to the consolidation of the standard-setting arsenal and the institutional scheme for the promotion and protection of human rights through the Arab plan for the promotion of the culture of human rights, in 2010, and the provision of technical assistance to African countries in connection with the right to development.

5. Ratification of international instruments and lifting of reservations

25. Morocco's action for human rights was enriched thanks to the strengthening of the relevant international legal arsenal. In this vein:

(a) The new Constitution now enshrines the primacy of international conventions over domestic law;

(b) The Kingdom ratified the Convention on the Rights of Persons with Disabilities and its optional protocol in April 2009;

(c) The Kingdom ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;

(d) The Kingdom acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(e) The Kingdom has withdrawn several reservations to a number of international conventions. In this context, Morocco:

(i) Made a declaration, on 19 October 2006, recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider individual communications under article 14 of the Convention on the Elimination of All Forms of Racial Discrimination;

(ii) Made a declaration, on 19 October 2006, recognizing the competence of the Committee against Torture to receive and consider communications from individuals, victims of violations of human rights under article 22 of the Convention against Torture and other Cruel and Inhuman or Degrading Treatment or Punishment;

(iii) Withdrew, on 19 October 2006, its reservation on article 14 of the Convention on the Rights of the Child, on the child's right to choose his or her religion and replaced it with an interpretative declaration;

(iv) Lifted, on 8 April 2011, its reservations on paragraph 2 of article 9 and on article 16 of the Convention on the Elimination of All Forms of Discrimination against Women.

6. Cooperation with and support to special procedures

26. The Kingdom of Morocco attaches particular importance to strengthening the action of the special procedures of the Council.

27. In April 2011, the Kingdom of Morocco decided to further open itself up to the 33 thematic procedures of the Human Rights Council.

28. Over the years, the Kingdom of Morocco has been visited by several special procedures mandate holders working on various issues, namely by the Special Rapporteurs on the sale of children, on child prostitution and child pornography, on the rights of migrants, on the right to education, on cultural rights and on torture and other cruel, inhuman or degrading treatment or punishment, as well as by the Working Group on Enforced or Involuntary Disappearances and the Working Group on the issue of discrimination against women in law and in practice.

29. Upon the invitation of Morocco, the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, will visit the country from 16 to 21 June 2013.

30. Morocco is currently discussing with two special procedures the possibility of other such visits in 2013, notably by the Working Group on arbitrary detention and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

7. Cooperation with the Office of the United Nations High Commissioner for Human Rights

31. Morocco has continuously supported the activities and programmes of the Office of the United Nations High Commissioner for Human Rights.

32. Since 2008, Morocco has been making an annual contribution of $1 million to the budget of the Office. With this voluntary and unearmarked contribution, Morocco moved up on the list of donors from 67th place in 2007 to 20th in 2010.

33. Morocco has organized several meetings in cooperation with the Office of the United Nations High Commissioner for Human Rights, two of which were round tables on the role of the ombudsman in the promotion and protection of human rights and one a meeting on strengthening treaty bodies. Morocco will host an expert seminar to be organized by the Office on the relationship between freedom of expression and incitement to racial, national and religious hatred.

34. In 2010, Morocco presented the Office of the United Nations High Commissioner for Human Rights with a draft agreement on tripartite cooperation for technical assistance to developing countries in implementing the recommendations arising from the universal periodic review.

8. The role of Moroccan civil society

35. The Kingdom of Morocco has engaged in a process aimed at raising awareness on the participation of civil society and Moroccan non-governmental organizations in sessions of the Human Rights Council and at supporting them in this endeavour. This is how Moroccan civil society has distinguished itself: by its active participation in and by being present at almost all the sessions of the Council.

36. In this respect, the Moroccan authorities' fundamental interest in community life is enshrined in article 170 of its Constitution, which provides for the creation of a youth and associative action council tasked with promoting the community life of young people in a spirit of responsible citizenship.

37. Civil society takes an active part in the drafting and implementation of human rights-related public policies and is fully involved in the various mechanisms for dialogue that have been set up.

9. The role of national institutions

38. In keeping with the international impetus given by national human rights institutions in the world, the National Council for Human Rights, Morocco's A-status national human rights institution, is acting as an independent and effective promoter of human rights at the national level, as well as in the framework of its cooperation with United Nations human rights institutions and mechanisms and the various national human rights bodies.

Future commitments

39. The Kingdom of Morocco shall:

(a) Further its action to promote human rights both nationally and internationally;

(b) Strive to improve the work of the universal periodic review;

(c) Maintain dialogue with special procedures regarding their visits and the activities carried out under their mandate and in the context of their cooperation with the Council;

(d) Continue to cooperate fully with the various treaty-monitoring bodies by presenting its periodic reports on time, by establishing an interactive dialogue with

the committees when the reports are examined and by actively following up on their recommendations;

(e) Promote the strengthening and optimization of the work of treaty bodies in the United Nations human rights system;

(f) Continue to support the work of the Human Rights Council as a key body of the United Nations for the promotion and protection of human rights;

(g) Maintain a participatory approach in the field of human rights through the direct involvement of citizens and of all actors and dynamic forces in Morocco, such as associations and non-governmental organizations;

(h) Continue its efforts to promote human rights education and training at the national and international levels;

(i) Share Morocco's experience in transitional justice and continue to support the Council's mechanisms and its initiatives in this area. In this respect, Morocco is considering strengthening its cooperation with the Office of the United Nations High Commissioner for Human Rights in this area, in particular by signing a memorandum of understanding on assistance in the field of transitional justice for developing countries, especially in Africa;

(j) Continue to harmonize its domestic legislation with international standards and, if need be, ratify the few international instruments Morocco is not yet a party to;

(k) Present, in 2014, an interim report on the status of implementation of the recommendations arising from the second universal periodic review of Morocco;

(l) Notify the United Nations of the ratification of the three following instruments, which were approved by the Council of Ministers on 12 November 2012, as soon as the ratification process finishes:

(i) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(ii) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(iii) Optional Protocol to the International Covenant on Civil and Political Rights;

(m) Notify the United Nations of the ratification of the third Optional Protocol to the Convention on the Rights of the Child, which was signed by Morocco in February 2012, once the required procedure has been finalized;

(n) Continue to take an active part in the work of the Human Rights Council, through:

(i) Constructive dialogue with the Council's mechanisms;

(ii) Concrete initiatives and parallel events for the promotion of human rights;

(iii) Cooperation with international non-governmental organizations;

(iv) Support to the Council's thematic initiatives.